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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,619		Paul LoRegio	01W047	4332

7590 11/17/2003

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EXAMINER
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STAHL, MICHAEL J

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notice of Allowability**

Application No.

09/972,619

Examiner

Mike Stahl

Applicant(s)

LOREGIO, PAUL

Art Unit

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 8/18/03.
2. ☒ The allowed claim(s) is/are 1, 2 and 6-13.
3. ☒ The drawings filed on 08 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                             | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____               | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other  |

This office action is in response to the amendment filed August 18, 2003. The changes to the claims have been entered. Claims 1, 2, and 6-13 remain.

***Allowable Subject Matter***

Applicant's remarks concerning independent claims 1 and 9 as amended are persuasive. Claim 1 as amended incorporates the subject matter of original claim 5, which was previously rejected as being obvious in view of Lee et al. (US 5737104). It was asserted in the rejection that it would have been obvious to a skilled person to arrange the Lee device such that the first, second, and third incident beams are not coplanar. However, applicant has alleged that the beams in Lee are not coplanar because if they were, there would not be a space problem needing the specific solution proposed by Lee in fig. 5. Applicant also alleges that Lee's recognition of the same problem as applicant, and proposal of a solution which differs from applicant's solution, tends to support the patentability of claim 1. The examiner concedes this point and notes that none of the previously cited references specifically teaches a non-coplanar layout of incident beams.

Claim 9 as amended includes the limitations from original claim 15, which was also rejected as obvious in view of Lee. In particular, it was asserted that it would have been obvious to a skilled person to substitute mirrors for loop-back fibers as the optical links between receiving and redirecting collimators because of the potential for reduced costs and space requirements. However, applicant argues that there is no evidence to support this assertion. The examiner agrees insofar as no reference of record specifically teaches that an arrangement using

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mirrors would necessarily be less expensive and take up less space than Lee's arrangement using loop-back fibers.

Accordingly, the previous rejections under Lee et al. are withdrawn and claims 1, 2, and 6-13 are allowed.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 6055347 and US 5917626 disclose multiple pass optical filters which use a single filter to drop different wavelengths depending on the incident angle of the beam.

Any inquiry concerning this communication should be directed to Mike Stahl at (703) 305-1520. Official communications eligible for submission by facsimile may be faxed to (703) 872-9318 (before final) or (703) 872-9319 (after final). Inquiries of a general or clerical nature (e.g., a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at (703) 308-0956 or to the technical support staff supervisor at (703) 308-3072.

MJS

Michael J. Stahl  
Patent Examiner  
Art Unit 2874

October 31, 2003

